

IN THE HIGH COURT OF JUDICATURE AT JABALPUR M.P.

WRIT PETITION NO. OF 2000

PETITIONERS

1. Kamlesh Kumar, s/o Hiralal, aged 30 years
2. Suresh Kumar, s/o Amritlal, aged 35 years
3. Sanjay Kumar, s/o Hiralal, aged 28 years,
4. Madhav Kumar, s/o Hiralal, aged 26 yrs.
5. Smt. Hulasmati, widow of Hiralal aged 50 years

Nos. 1 to 5 all residents of village Bhedikona, Tahsil Dabra District Janjgir-Champa M.P.

6. Smt. Chameli Bai, w/o Dinesh Patel, d/o Hiralal, aged 24 years, r/o village Kotra Road Vikas Nagar Raigarh Tahsil and District Raigarh M.P.

VERSUS

RESPONDENTS

1. State of M.P., through the Collector District Janjgir Champa M.P.
2. Collector District Janjgir-Champa M.P.
3. Sub Divisional Officer/Land Acquisition Officer(R) Sakti, District Janjgir-Champa M.P.
4. Krishnalal, aged about 40 years, s/o/ Motilal
5. Reshamlal, @ Badri Prasad, s/o Motilal aged 44 years,
6. Harishankar, s/o Motilal aged 36 years, through Attorney Krishnalal Patel
7. Additional District Judge, Sakti, (Civil District Bilaspur) Revenue

District Janjgir Champa M.P.

WRIT PETITION UNDER ARTICLES 226/227 CONSTITUTION OF INDIA

1. Particulars of the petitioners : As in Cause title above.

(contd.-2-)



HC-22

उच्च न्यायालय, मध्यप्रदेश, जबलपुर

Land Acquisition Act. 29

आदेश पत्रक

मामला क्रमांक

सन् 200

Kamlesh Kumar State of M.P. and others

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
05-12-2000	<p>Shri Alok Bakshi, learned counsel for the petitioners.</p> <p>Shri Ranveer Singh, learned counsel for respondent nos.1,2 & 3.</p> <p>From the facts, it appears that petitioners' land was acquired by the State Govt. and certain compensation was fixed for being paid to the petitioners. It appears that compensation was paid on 06-5-1997. The respondents Krishnalal and Reshamlal made an application to the Collector/Land Acquisition Officer to make reference to the Civil Court under section 30 of the Land Acquisition Act. The said application was not being decided, therefore, the said persons filed W.P.No. 4219/98 before the High Court.</p>	19/1/2001

आदेश पत्रक (पुर्वानुबद्ध)

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
		<p>of Madhya Pradesh. The said petition was finally disposed of on 21-9-1998 with direction to the respondent Land Acquisition Officer to decide the representation of Krishnalal and Reshamlal (respondents No.4 & 5) in this petition). The said application was ultimately decided on 31-3-2000. The Collector decided the application and found that present was a fit matter where a reference was required to be made u/s 30 of the Land Acquisition Act. The petitioners being aggrieved by the said order, have filed this petition under Article 226/227 of the Constitution of India.</p> <p>The submission of the learned counsel for the petitioners is that as the compensation amount has already been paid to the petitioners, a reference u/s 30 of the Land Acquisition Act is not competent. He has referred to the provisions of Section 30 of the Act in support of his contention.</p> <p>Section 30 of the Land Acquisition Act says that a reference would be made by the Land Acquisition Officer to the Civil Court, if there is a dispute relating to apportionment of the compensation amount or there is a dispute relating to the person to whom the compensation is to be paid. Section 30 does not say that simply because the amount has been paid to one party or the other, the Land Acquisition Officer</p>

W.P.No.6162/2000

मामला क्रमांक सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	-3- हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश
	<p>would be denuded of his power and would not be able to make a reference u/s 30 of the Act. The pre-condition for making a reference u/s 30 of the Act is that either there is a dispute regarding apportionment or there is a dispute as to who is best entitled to receive the compensation. The payment of compensation to one party or the other would, in any case, not affect the jurisdiction of the Land Acquisition Officer.</p> <p>From the order Annexure P-3, it does not appear that the authority had no jurisdiction to make reference to the Civil Court.</p> <p>I find no reason to interfere. The petition is dismissed.</p>	<p>Sd/- R.S. Garg Judge</p>